

DIVISION OF ACCOUNTS AND REPORTS POLICY AND PROCEDURE MANUAL

Revision Date 0714/97

Date Issued 11/84

Revisions Throughout

Filing Number 3,066

Page 1 of 2

SUBJECT

Open Records Act

PURPOSE

To provide information regarding fees agencies may charge for providing access to or copies of public records.

AUTHORITATIVE REFERENCES

K.S.A. 45-215 *et seq.*, as amended

GENERAL INFORMATION

Introduction

The Kansas Open Records Act specifies requirements for providing access to or copies of public records of a public agency. The Act defines public records and specifies which records are not required to be open. It also requires each agency to adopt procedures to be followed in responding to requests for access to or copies of public records.

Fees for Access to or Copies of Public Records

K.S.A. 45-218 and 45-219 allow agencies to charge reasonable fees for providing access to or furnishing copies of public records. Except as provided where fees for inspection or for copies of a public record are prescribed by statute, each agency may prescribe reasonable fees for providing access to or furnishing copies of public records subject to the following:

1. In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available.
2. In the case of fees for providing access to records maintained on computer facilities, the fees shall include only the cost of any computer services, including staff time required.

These statutes also allow agencies to require advance payment for these services.

The responsibility for establishing fees is as follows:

DIVISION OF ACCOUNTS AND REPORTS POLICY AND PROCEDURE MANUAL

Revision Date 0714/97

Date Issued 11/84

Revisions Throughout

Filing Number 3,066

Page 2 of 2

1. *Legislative Agencies* - Fees shall be established in accordance with K.S.A. 46-1207a. Fees received are deposited to the legislative special revenue fund.
2. *Judicial Agencies* - Fees shall be established in accordance with rules of the Supreme Court.
3. *Executive Agencies* - Fees shall be established by the agency head. Persons requesting records may appeal to the Secretary of Administration the reasonableness of the fees charged. The Secretary of Administration's decision on the reasonableness of the fees shall be final. A fee for copies of public records which is equal to or less than \$.25 per page shall be deemed a reasonable fee. Agencies should document their computation for any fees charged should an appeal be filed.

Fees collected shall be deposited with the State Treasurer in accordance with K.S.A. 75-4215 and credited to the State General Fund or an appropriate fee fund as determined by the agency head.

PROCEDURES

None

CONTACT SOURCES

For assistance in determining whether particular records should be open under the Open Records Act, contact your agency legal counsel.